

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**CHRISTOPHER JASON GRAY,
GDC ID 847664,**

Plaintiff,

v.

1:14-cv-1895-WSD

SAMULE S. OLENS,

Defendant.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge E. Clayton Scofield III's Final Report and Recommendation [3] ("R&R"). The R&R considers Plaintiff Christopher Jason Gray's ("Plaintiff") Complaint [1] ("Complaint"). The Magistrate Judge recommended that Plaintiff be granted *in forma pauperis* status solely for the purpose of dismissal and that his Complaint be dismissed.

I. BACKGROUND

Plaintiff is serving a life sentence for kidnapping, rape, aggravated sodomy, aggravated assault, and armed robbery. On June 16, 2014, Plaintiff filed his civil rights Complaint, seeking to compel Mr. Samuel S. Olens,¹ the Attorney General

¹ Plaintiff misspelled Mr. Olens's first name as "Samule," which is reflected in the caption of this case.

of Georgia, to interpret and explain “in writing dating from 1978 to 1995:” 1) what constitutes kidnapping with bodily injury; 2) what constitutes the offense of rape; and 3) O.C.G.A. § 16-5-21(a)(1).

On June 30, 2014, the Magistrate Judge recommended that the Court dismiss Plaintiff’s Complaint for failure to state a claim. (R&R at 2). The Magistrate Judge noted that the Complaint was frivolous and that a more carefully drafted amended complaint would not state a claim with respect to these issues. (*Id.*). The Magistrate Judge recommended granting Plaintiff’s request to proceed *in forma pauperis* solely for the purpose of dismissing the action. The Magistrate Judge recommended also that the Court certify pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith. Plaintiff did not file any objections to the R&R.

II. DISCUSSION

A. Legal Standard

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert denied, 459 U.S. 1112 (1983). A district judge “shall make a *de novo* determination of those portions of

the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). With respect to those findings and recommendations to which a party has not asserted objections, the district judge must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

B. Analysis

As Plaintiff has not objected to the Magistrate Judge’s R&R, the Court reviews the Magistrate Judge’s findings and recommendations for plain error. See Slay 714 F.2d at 1095.

Plaintiff does not cite to any authority, and the Court has likewise found no authority, in support of Plaintiff’s contention that he is entitled to compel the Attorney General to interpret and explain the statutes under which he was convicted in 1994. The Magistrate Judge found that Plaintiff’s Complaint was frivolous, and that amending the Complaint would be futile, and properly recommended that the Court dismiss the Complaint. See 28 U.S.C. § 1915A; Denton v. Hernandez, 504 U.S. 25, 32 (1992). The Magistrate Judge also properly found that an appeal would not be take in good faith. See 28 U.S.C. § 1915(a)(3); Hankerson v. Keller, 11-cv-733, 2012 WL 1066175, at *3(N.D. Ga. Mar. 28, 2012) (“A party demonstrates good faith by seeking appellate review of any issue that is

not frivolous when judged under an objective standard.”) (citing Coppedge v. United States, 369 U.S. 438, 445 (1962)). The Court finds no plain error in these findings and recommendations. See Slay, 714 F.2d at 1095.

III. CONCLUSION

For the foregoing reasons,


IT IS HEREBY ORDERED that Magistrate Judge E. Clayton Scofield III’s Final Report and Recommendation [3] is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff is **GRANTED** *in forma pauperis* status.

IT IS FURTHER ORDERED that Plaintiff’s Complaint [1] is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Court **CERTIFIES** that Plaintiff’s appeal is not taken in good faith.

SO ORDERED this 24th day of September, 2014.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE